

HARPSWELL SIGN ORDINANCE

Effective December 9, 1976

Amended March 14, 1998

Amended May 20, 2004

Amended March 13, 2005

Amended March 11, 2006

Amended March 10, 2007

Amended June 12, 2007

Amended March 8, 2008

1. Preamble and Purpose

It is the intent of this ordinance to reduce roadside hazards and to provide for the safety of the motoring public and pedestrians by regulating the location and use of advertising signs, while providing directional information to travelers, and provide reasonable opportunities for the advertisement of goods, services and other attractions in the Town of Harpswell.

The purpose of this Ordinance is to provide for the public safety and promote the general welfare of the Town of Harpswell and to preserve the natural scenic beauty of the Town and its countryside for the enjoyment of all.

2. Definitions

2.1 Display Business Advertising Sign is any painted, printed or stenciled advertising device, whether erected on a frame structure or mounted or painted on a building, conveying a message promoting a business enterprise of any kind.

2.2 Highway, Street or Road refers to any public right of way within the limits of the Town of Harpswell.

2.3 Private Road refers to a non-public right of way, whether joining a public right of way or not, any part of which has land contiguous to it visible from a public right of way.

2.4 Business refers to any commercial, retail, wholesale, manufacturing, camping or amusement business located on any public or private highway, street or road.

2.5 Directional Signs are signs which provide only directional information.

2.6 Illuminated Sign is any business advertising notice lighted with either exterior or integral illumination.

2.7 Official Business Directional Sign means a sign erected and maintained in accordance with 23 M.R.S.A. §§ 1901-1925, as may be amended from time to time to indicate to the traveling public the route and distance to public accommodations,

facilities, commercial services for the traveling public and points of scenic, historical, cultural, recreational, educational and religious interest. Other information may be displayed by means of logos authorized pursuant to 23 M.R.S.A. § 1910, as may be amended from time to time.

2.8 **Sign Area** shall be determined as the product of the maximum width and maximum height of the sign unit.

2.9 **Maximum Dimension** shall mean the longer of either height or width.

3. Regulations

3.1 No new, additional or enlarged display advertising sign shall be erected adjacent to any highway, street, road or private road within the Town of Harpswell that is visible to the passing motorist on a public way, except as provided in Section 3.3 and 3.4.

3.2 All existing non-conforming display advertising signs now erected along any highway, street, road or private road, and visible from a public way shall be removed not later than December 31, 1977.

3.3 The following types of signs require a permit in advance from the Code Enforcement Officer for use in the Town of Harpswell:

3.3.1 **Official Business Directional Signs** which are approved by the Codes Enforcement Officer. Such signs shall be uniform in size and type of lettering and shall conform to the following specifications. All such signs shall be the following size: width, 48 inches; height, 12 inches. Letter height at least 4 inches and the sign shall be of a design in conformity with Maine Department of Transportation regulations. Directional information only shall be provided on each sign.

3.3.2 **Display Business Advertising Signs** not over 32 sq. ft. in area, with the longest dimension not over 8 ft., and limited to one visible in each direction, may be displayed at the owner's place of business. Signs in this category must meet the following criteria: They must be placed on the lot site of the business, not more than 100 ft. in either direction along the highway from said place of business and must be placed so as not to obstruct the vision of motorists in any direction from the highway, except as approved by the Municipal Officers and, where applicable, the Maine Department of Transportation.

3.3.3 **Illuminated Signs.** Effective December 31, 1977 all signs, if illuminated, must be lighted by light of such intensity and in such manner that they will not be a hazard to motorists' night vision or objectionable to adjacent homeowners. Flashing, rotating and animated lighting is prohibited.

3.3.4 Identification Signs. One identification type sign is allowed on the premises of each professional business, church, public institution, or building under construction by a contractor. Such sign shall not exceed six square feet in area with one maximum dimension of three feet.

3.3.5 Service Club Signs. Each service club and fraternal organization may provide and place a single sign conforming to the requirements of Section 3.3.1 above, except that the emblem may be in color.

3.3.6 Approach Signs. Any business whose principal building, or a point of interest, which is located on a private way more than 1,000 feet from the nearest Highway, Street or Road, or is not visible to traffic from the nearest Highway, Street or Road, may erect no more than 2 approach signs with a total surface area not to exceed 32 square feet per sign. These signs are to be located outside the public right-of-way limits within 300 feet of the junction of the public and private ways.

3.3.7 No person, firm or corporation shall erect or place any sign described in Section 3.3 without first obtaining a permit from the Code Enforcement Officer; except that conforming signs already in place as of the effective date of this ordinance under Section 3.3 will be permitted to remain in place. The price of the permit shall be of an amount as established by the Board of Selectmen from time to time.

3.3.8 Existing signs of historic interest which have been in place for 40 years or more prior to the effective date of this ordinance shall not be affected by this ordinance.

3.4 The following types of signs are approved for use without the need for a permit in the Town of Harpswell:

3.4.1 Real Estate Signs. A single freestanding sign not to exceed 5 square feet or a single wall sign not to exceed 3 square feet relating to the sale, rental, or lease of a premise may be displayed on the premise which is available for sale, rent, or lease.

3.4.2 For Sale Signs. Residential users may display a single temporary sign, not over 4 square feet in area, relating to the good or services for sale on the premises, if such sale does not constitute a business, home occupation, or yard sale. Examples of sales falling under this provision are the sale of a used vehicle, the sale of a used appliance, or other occasional sales.

3.4.3 Temporary Event Signs. Temporary signs not to exceed 32 square feet, announcing public and semi-public occasional events, candidates, etc. Such signs shall be displayed not more than 2 weeks before the event and shall be

removed with 3 days after the event. Temporary event signs shall be free of any other advertisement. Signs established more than 2 weeks prior to the announced event shall be deemed unlawful and are subject to removal under Section 3.7.2

3.4.4 Yard Sale Sign. Signs designating yard sales shall not exceed 4 square feet. Signs shall not obstruct traffic views and shall be removed immediately after the sale has ended.

3.4.5 Religious Service/Civic Organization Meetings Signs. A religious or civic organization may erect no more than 4 signs showing the place and time of services or meetings to be held in Harpswell. No such sign shall exceed 24 inches by 30 inches in size. Such signs shall be located outside of the right of way.

3.5 Standards

The following standards apply to all new signs in the Town of Harpswell.

3.5.1 No sign shall be placed to exceed 25 feet in height as measured from original grade.

3.5.2 Roof Signs shall not extend more than 10 feet above the roof line.

3.5.3 Except for signs constructed pursuant to Section 3.4.5, all signs shall be setback a minimum of five (5) feet from the edge of the traveled way of any Highway, Street, Road or Private Road.

3.6 Severability

The several sections and subsections of this ordinance are separable and court avoidance of any part shall not affect the legality of any other part.

3.7 Enforcement

3.7.1 Any person, including but not limited to a landowner, a landowner's agent, or contractor who orders or conducts any activity in violation of the Town's sign ordinance shall be penalized in accordance with 30-A, M.R.S.A. § 4452, as may be amended from time to time. For purposes of this Section, each day that a violation continues shall be considered a separate offense.

Citizen's Note: Current penalties include fines of not less than \$100 nor more than \$2500. Fines may be assessed for each day the violation occurs.

3.7.2 Removal of Unlawful Signs. The owner of a sign which was or is unlawfully erected or maintained either prior to or after the effective date of this ordinance shall be in violation of this ordinance until the sign is removed. The owner of the sign shall remove the sign within 30 days of receipt of a notice to remove, sent by certified

mail, return receipt requested, by the Codes Enforcement Officer. If the identity of such owner is not known or reasonably ascertainable by the Code Enforcement Officer, such notice may instead be sent to the owner of the land on which the sign is placed. If the owner fails to remove the sign as required, the Codes Enforcement Officer, shall remove the sign at the expense of the owner without any further notice or proceeding and may recover the expense of this removal from the owner. All removed signs shall be held at the Codes Enforcement Office for a period of 30 days before they are disposed of.

3.7.2.1 Removal of Signs from Right of Way. Notwithstanding the notice to remove provisions of this Section, the Codes Enforcement Officer shall have the authority to immediately remove signs located in the public right of ways that are deemed by the Code Enforcement Officer or the Road Commissioner to constitute a traffic hazard or impede snow removal. In such cases, notification may be after the fact. Notice of removal shall be sent by certified, return receipt requested, by the Codes Enforcement Officer. All removed signs shall be held at the Codes Enforcement Office for a period of 30 days before they are disposed of.

3.8 Nothing permitted or outlined herein shall be construed to relieve the proposed sign owner from Statutory licensing or permit requirements of the State of Maine Department of Transportation prior to erection of any sign permitted under this ordinance.

Effective Date

This ordinance will become effective upon its adoption.

Adopted at Special Town Meeting on December 9, 1976.